

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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WILDER CRUZ,

Petitioner,

-against-

THOMAS DECKER, as Field Office Director, New  
York City Field Office, U.S. Immigration &  
Customs Enforcement; JAMES MCHENRY, as  
Director of the Executive Office for  
Immigration Review; KIRSTJEN NIELSEN, as  
Secretary, U.S. Department of Homeland  
Security; and JEFFERSON B. SESSIONS III, as  
Attorney General, U.S. Department of Justice.,  
et al.,

Respondents.  
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18-CV-9948 (GBD) (OTW)

**MEMORANDUM OPINION AND  
ORDER**

**ONA T. WANG, United States Magistrate Judge:**

The Court has reviewed the Immigrant Defense Project's ("IDP") letter motion requesting leave to file brief of *amicus curiae*. (ECF 36). Whether to permit the filing of an amicus brief "lies in the 'firm discretion' of the district court." *C & A Carbone, Inc. v. County of Rockland, NY*, No. 08-CV-6459 (ER), 2014 WL 1202699, at \*3 (S.D.N.Y. Mar. 24, 2014). Amicus briefs are typically permitted when they "are of aid to the court and offer insights not available to the parties." *Automobile Club of New York, Inc. v. Port Authority of NY and NJ*, No. 11-CV-6746 (RJH), 2011 WL 5865296, at \*1 (S.D.N.Y. Nov. 22, 2011).

Although the parties have completed briefing on the Government's motion to dismiss or transfer, the Government does not object to the filing of IDP's brief. (ECF 36). The Court has also reviewed the proposed brief and finds that while some of its case law analysis may be

repetitive of the Petitioner's brief, the Court finds helpful IDP's discussion of the background and history behind the practice of detaining New York residents in New Jersey.

Accordingly, the motion to file an amicus brief is **HEREBY GRANTED**. The Government may file a response, if any, by **April 9, 2019**. No reply submissions are permitted.

**SO ORDERED.**

Dated: April 4, 2019  
New York, New York

*s/ Ona T. Wang*

**Ona T. Wang**  
United States Magistrate Judge